HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, CJ

Writ Petition No.4351 OF 2005.

Petitioner

Ramgopal Sharma,
S/o. Shri Chiranjeev Lal,
Aged bout 60 years,
R/o. D-1, Sai Sadan, Priyadarshni Nagar,
Bilaspur. (C.G.)
- Defendant No.2

Versus

Respondents

1. Smt. Sunita Tiwari,
W/o. Dr. Shekhar Tiwari.
2. Dr. Shekhar Tiwari ,
S/o. Shri Ramashankar Tiwari,
Both R/o. Priyadarshni Nagar,
Ring Road, Bilaspur (C.G.)
-Plaintiffs-
3. Municipal Corporation, Bilaspur,
Through its Commissioner,
Bilaspur (C.G.).
-Defendant No.1-
4 Bilaspur Sahkari Grih Nirman
Samiti, through its Prabandh
Sanchalak, Bilaspur Sahkari Grih
Nirman Samiti, Bilaspur (C.G.).
Defe ndant No.3

Present:
Mr Ali Asagar, learned counsel for the petitioner.

ORAL ORDER

(Passed on 21st of December 2005)

The question whether the easementary right claimed by the plaintiffs is affected by the construction made by the petitioner herein is a pure question of fact. The finding recorded by the appellate Court on that question could not be condemned as perverse. I do not find any jurisdictional flaw or error apparent on its face. In that view of the matter, this is not a fit case to entertain under Articles 226/227 of the Constitution

of India. Hence, the writ petition is dismissed. However, learned trial Judge is directed to expedite the trial of the suit and dispose of it as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this order.

Sd/-
Chief Justice

Subby